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MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

INDIANAPOLIS, IND.

Milk and Milk Products—Production, Care, and Sale. (Ord. May 23, 1916.)

SECTION 1. Every person who shall bring into the city of Indianapolis for sale, or who shall, within said city, sell, prepare for sale, offer for sale, expose for sale, dispose of, exchange or deliver, or with the intent so to do as aforesaid, have in his possession, care custody, or control within said city, milk, skimmed milk, cream, buttermilk or milk prepared by a fermentation or other process, shall first make application for a permit so to do in the office of the health officer, and be granted such a permit by the board of health.

SEC. 2. Any person making such application shall file a sworn statement on a printed form provided by the board of health for that purpose, stating:

- (1) The name, residence and location of the business place or places of the applicant.
- (2) If the applicant be a firm, the name of each member of the firm and the location of the business place or places.
- (3) If the applicant be a corporation, the names of the president, secretary, and business manager or superintendent thereof, and the location of the business place or places of the corporation.
- (4) The name of the person in charge of each business place of the applicant.
- (5) The precise nature of the business to be carried on by the applicant, whether one or more of the following:

Milk vendor, when the business is to be that of selling milk, skimmed milk, cream, buttermilk, or milk prepared by a fermentation or other process, not as an incident to some other business, but as an occupation in itself.

Operator of a city milk plant, when the business is to be the conduct of a place where said dairy products are prepared for distribution to customers; this term shall not apply to those persons who prepare said articles for distribution to customers at the dairy where they are produced.

Proprietor of a store (specify what particular kind of store), when the business is to be that of selling said dairy products in a store, hotel, restaurant, saloon, ice-cream parlor, confectionery, or other place as an incident to the main business.

Operator of a pasteurizer, when the business is to be that of pasteurizing said dairy products.

- (6) The number of cows, if any, owned or controlled by the applicant, the location of the dairy and the average daily quantity of milk produced.

- (7) Where said dairy products are bought from localities outside of the city of Indianapolis or purchased from other parties within the city, a detailed statement of the localities or places from which said dairy products are bought and the names and postoffice addresses of persons supplying same, the location of the shipping or collecting station or stations, if any, and a statement of the average quantity received from each person daily.

- (8) The number and description of each and every wagon, carriage, or other vehicle used in the milk or cream business, and the number used for the delivery of milk in the retail or wholesale business, or both.

If any changes be made in the firm, officers, managers, superintendents, location, residence, nature of business, wagons, carriages, or other vehicles, or in the names or addresses of shippers or other persons supplying milk or any other matter or information required by this section, written notice thereof must forthwith be given to the health officer for insertion and correction in the records of the department.

SEC. 3. Permits shall be issued in the names of the applicants therefor. No permit shall be sold, assigned, loaned, or transferred or be placed in the care, custody, control, or possession of any person other than the one to whom it was issued. A permit shall be kept conspicuously posted at each business place of the grantee.

SEC. 4. Each permit shall run for a period of one year, unless sooner revoked, and no longer. It shall specify the nature of the business to be conducted by the grantee and its location, as set out in the application, and shall not be construed as a permit to conduct any other kind of business or elsewhere than specified.

SEC. 5. The board of health may in its discretion refuse to grant a permit to anyone who shall have been repeatedly convicted of violating the ordinances of the city of Indianapolis or laws of the State of Indiana concerning the inspection and regulation of dairies and the inspection and sale of dairy products, or when, for any reason in the interest of the health of the inhabitants of the city, it would be inadvisable to grant a permit to such applicant. The board of health may revoke any permit for the same reason for which they may refuse to issue a permit. No permit as milk vendor shall be refused by the board of health nor shall any such permit be revoked except after a due hearing upon due notice, at which the applicant or grantee shall have full opportunity to be heard under such rules and regulations as the board of health prescribes.

SEC. 6. No person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, dispose of, exchange, or deliver, or, with the intent so to do as aforesaid, have in his possession, care, custody, or control within said city, milk which does not meet the State standard for milk fat and milk solids.

SEC. 7. Notwithstanding the provisions of section 6, milk from which a part of the cream has been removed may be lawfully sold when marked "standardized milk," providing it is not below State standard in butter fat or when sold as and for skimmed milk as provided in this section, and not otherwise; and the fact that such milk is being sold as skimmed milk shall be a defense to a prosecution under section 6 hereof and other ordinances relating to milk only when it is sold in accordance herewith.

No person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, exchange, or deliver, or, with the intent so to do as aforesaid, have in his possession, care, custody, or control, within said city, any skimmed milk:

- (a) Containing less than 9½ per cent, by weight, of milk solids;
- (b) Containing less than 8½ per cent, by weight, of milk solids, not fat;
- (c) Unless all cans, vessels, or packages in which skimmed milk is carried, delivered, or sold, or from which it is sold, shall be distinctly marked in a conspicuous place above the center on the outside of each container with the words "skimmed milk" in uncondensed gothic letters not less than 1 inch in height: *Provided*, That when such vessel or package contains 1 quart or less the letters shall not be less than one-quarter inch in height.

SEC. 8. No person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, dispose of, exchange, or deliver, or with the intent so to do as aforesaid, have in his possession, care, custody, or control, within said city, cream:

- (a) Containing less than the State standard of butter fat;
- (b) Unless obtained from milk produced, kept, and handled in accordance with the ordinance of the city of Indianapolis.

SEC. 9. No person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, dispose of, exchange, or deliver, or, with the intent so

to do as aforesaid, have in his possession, care, custody, or control within said city, buttermilk:

- (a) Containing less than $8\frac{1}{2}$ per cent, by weight, of milk solids;
- (b) Unless it is the product that remains when fat is removed from milk or cream, sweet or sour, in the process of churning. When milk is skimmed, soured, or treated so as to resemble buttermilk it must be known by some distinctive name.

SEC. 10. No person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, dispose of, exchange, or deliver, or, with the intent so to do as aforesaid, have in his possession, care, custody, or control, within said city, milk, skimmed milk, cream, buttermilk, or milk prepared by a fermentation or other process which is adulterated or misbranded.

1. In addition to other methods of adulteration prohibited by ordinance, any of the said dairy products shall be deemed to be adulterated:

(a) If it have therein or contain any added substance which is poisonous or injurious to health;

(b) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect the strength, quality, or purity.

(c) If any substance or substances have been substituted wholly or in part for the same.

(d) If it is mixed or colored in a manner whereby damage or inferiority is concealed, or if by any means it is made to appear to be better or of greater value than it really is.

(e) If it be drawn from any cows having a communicable disease or from a herd which contains any diseased cattle, or if any attendant of the herd from which it is drawn or any person employed in connection with the handling of it is affected with any communicable disease, or has been exposed to any communicable disease and continues such attendance or employment, except under such rules and regulations as the board of health may prescribe.

(f) If drawn from any cow within 15 days before or 10 days after parturition.

(g) If drawn from any cow which has been fed on garbage or other improper food.

SEC. 11. Nothing in this ordinance shall be so construed as to prohibit the bringing into the city of Indianapolis for sale or the sale of or having in the possession with intent to sell milk modified on a physician's order, milk prepared by a fermentation process, or buttermilk, provided the same is obtained, made, or compounded from milk or cream produced, kept and handled in accordance with ordinance provisions.

SEC. 12. After two months from the date of the approval of this ordinance no person shall bring into the city of Indianapolis for sale, or shall, within said city, sell or offer for sale, expose for sale, dispose of, exchange or deliver, or with the intent so to do as aforesaid have in his possession, care, custody, or control within said city any milk, skimmed milk, cream, buttermilk or milk prepared by a fermentation or other process unless such milk, skimmed milk, or cream, or the milk or cream contained in the buttermilk or milk prepared by a fermentation or other process is clarified in a centrifugal clarifier or separator meeting the approval of the health officer or board of health inspector and is pasteurized before delivery for consumption as food or used in the manufacture of ice cream or other milk products, according to the rules and regulations prescribed in this ordinance, except as provided in section 20.

SEC. 13. The Held method of pasteurization, as hereinafter provided, alone shall be used. The milk, skimmed milk or cream shall be uniformly heated to between 140° F. and 146° F. and maintained at that temperature for 30 minutes.

SEC. 14. The pasteurized product shall be cooled at once to a temperature of 45° F. or less. The cooling shall be so conducted that the pasteurized product is not exposed to contamination. All apparatus used in the clarifying, pasteurizing, and cooling shall be so constructed that it can be readily cleaned and sterilized.

SEC. 15. All pasteurizers operated for the production of pasteurized milk, skimmed milk, or cream to be sold in the city of Indianapolis shall be equipped with an apparatus regulating automatically the supply of heat so as to correspond with and produce the required temperature. The automatic thermoregulators shall be accurate and shall be approved by the health officer or board of health inspector.

A recording apparatus shall be installed upon all pasteurizers to record during operation the temperature of the pasteurized product. The thermometer of this recording apparatus must be accurate and kept immersed in the milk in such a way that it is not exposed to escaping steam or other heat except the heated milk, except where the pasteurizing is done in the final container, in which event the thermometer shall be so placed as to accurately indicate the temperature of the pasteurized product. The records made by this recording thermometer must be accurate and made on a daily chart, which shall be dated and preserved for the inspection of the health officers or board of health inspector for one year.

The automatic thermo-regulating and recording apparatus may be combined into one instrument.

SEC. 16. All containers in which pasteurized milk, skimmed milk, or cream is delivered to the consumer shall be plainly labeled "Pasteurized." The label must also bear the name of the product and the name of the dealer. Cans, bottles, or other containers shall not bear the trade name or trade-mark of any person, firm, or corporation other than the producer or distributor of the package.

SEC. 17. Pasteurized milk, skimmed milk, or cream must be delivered to the consumer within 36 hours of the pasteurization.

SEC. 18. No milk, skimmed milk, or cream shall be pasteurized a second time after having been placed in any cans, bottles, or other containers for the purpose of selling to the consumer, or placed in any cans, bottles, or other containers which have not been thoroughly washed and sterilized not less than six hours before using by live steam not less than five pounds pressure, or hot water showing a temperature not less than 180° F.

SEC. 19. No person shall sell to any ultimate consumer or with the intent so to do have in his possession, care, custody, or control any pasteurized milk, skimmed milk, cream, buttermilk, or milk prepared by a fermentation or other process unless such milk, skimmed milk, cream, or buttermilk, or milk prepared by fermentation or other process is contained in and is sold in a tightly closed container in which it was pasteurized or placed immediately after pasteurization and then closed and kept continuously closed until after sale: *Provided*, That cream or milk served as a flavoring for food or drink may be served in suitable containers when taken from packages as provided in this section.

SEC. 20. Only producers who produce and handle milk under rules and regulations of the board of health, which will insure that it comes from cows free from disease, as determined by tuberculin tests and physical examination by a qualified veterinarian, and is produced and handled by employees free from disease, as determined by medical inspection of a qualified physician, and under sanitary conditions such that it will reach the ultimate consumer fresh, unadulterated and with not more than 50,000 living bacteria per cubic centimeter, may be sold without being pasteurized, if dispensed in containers in accordance with section 18 and marked "Raw" in letters easily read on a tag, label, or cap. The board of health shall adopt rules and regulations for the production and handling of such milk and may provide for the execution and enforcement of such rules and regulations by such agencies as they may appoint. The term "producer," as used in this act, shall mean the owner of the cow or herd of cows from which milk is taken to be placed upon the market or from which milk is taken to be converted into milk products to be marketed, and shall

not mean a person who buys the milk or products which he places upon the market, or who buys any part of the milk or milk products which he places upon the market.

SEC. 21. That any person, firm, or corporation violating any of the provisions of this act shall, upon conviction, for the first offense be punished by a fine of not less than \$10 and not more than \$25, for the second offense a fine of not less than \$25 nor more than \$50, and for the third and subsequent offenses by a fine of \$100 and imprisonment in the county jail for not less than 30 nor more than 90 days.

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